IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 16979 of 2007(U)

AGAINST THE ORDER IN EP.64/05 IN OS.59/2004 of SUB COURT, TIRUR

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PETITIONER:

C.P.SHANAVAS, S/O.HASSAINAR HAJI,
CHAMBALI HOUSE, CHEERAN KADAPURAM,
TANUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT:

KUTTIYAMUVINTE PURAKKAL MAJEED,
S/O.MOIDEEN BAVA, RAYIRIMANGALAM, AMSOM DESOM,
CHEERANKADAPURAM, TANUR, MALAPPURAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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WP(C) No.16979 OF 2007

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Dated this the 4th day of June, 2007

JUDGMENT

This writ petition is preferred seeking a direction to the Sub Court, Tirur to hear and dispose of I.A.Nos.570 & 571 of 2007 in O.S.No.59 of 2004 immediately and to restrain the Sub Court from further proceeding with the execution in the case.

2. Heard the counsel for the writ petitioner. He had submitted that his client had suffered ex parte decree against which he had filed application for setting aside the ex parte decree with a petition to condone the delay. His only request is to direct the Sub Court, Tirur to dispose of those matters and then to proceed with the execution proceedings. The request is reasonable and therefore the writ petition is disposed of as follows: (1) The Sub Court, Tirur is directed to consider and dispose of I.A.Nos.570 & 571/2007 in O.S.No.59/2004 as expeditiously as possible and not later than two months from today and (2) Till the disposal of the said applications, the sale

proceedings in the execution petition pursuance to the decree in O.S.No.59/2004 shall stand stayed.

M.N.KRISHNAN, JUDGE

Cdp/-